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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2008-332*

13 **DEBRA OLIVER, aka**
14 **DEBRA DANETTE OLIVER, aka**
15 **[aka CLARK, NEWMAN], aka**
16 **DEBRA DANETTE CLARK OLIVER**
17 1419 Vaughn Lp Road
Jacksons Gap, Alabama 36861-5608

A C C U S A T I O N

Registered Nurse License No. RN 658393

Respondent.

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about June 2, 2005, the Board issued Registered Nurse License
26 Number RN 658393 ("license") to Debra Oliver, also known as Debra Danette Oliver
27 [aka Clark, Newman], and Debra Danette Clark Oliver ("Respondent"). The license expired on
28 October 31, 2006.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, as follows:

5 a. Respondent's Arizona Registered Nursing License was disciplined by the
6 Arizona State Board of Nursing ("Arizona Board"), in the case entitled, *In the Matter of the*
7 *Professional Nurse License No. RN 133700 Issued to: Debra Danette Oliver [aka Clark,*
8 *Newman]*. Effective September 20, 2007, pursuant to Consent for Entry of Voluntary Surrender
9 Order No. 0608155, Respondent voluntarily surrendered her Registered Nurse License
10 No. 133700 for a minimum of five years to the Arizona Board. A copy of the Consent for Entry
11 of Voluntary Surrender Order is attached as **Exhibit A** and is incorporated herein.

12 b. Respondent's Alabama Registered Nursing License was disciplined by the
13 Alabama Board of Nursing ("Alabama Board"), in the case entitled, *In the Matter of:*
14 *Debra Danette Clark Oliver, License No. 1-084480, Case No. 2006-0414*. Effective July 21,
15 2006, pursuant to the Consent Order, the Alabama Board suspended Respondent's Alabama
16 Nurse License No. 1-084480 until such time as the Board received documentation of completion
17 of certain terms, including initial chemical and psychological evaluations. If deemed in need of
18 treatment, Respondent would be required to participate in an aftercare program for chemical
19 dependancy for one year, and to complete other terms. Upon completion of the terms,
20 Respondent's license would be reinstated on sixty (60) months probation. If Respondent was
21 deemed not to be chemically dependant, then Respondent's license would be placed on probation
22 for twelve (12) months, pursuant to the terms and conditions of the Order. Regardless, if
23 Respondent's license remained suspended past twelve months, then that status of the license
24 would be considered revoked. A copy of the Consent Order is attached as **Exhibit B** and is
25 incorporated herein.

26 c. Respondent's Vermont Registered Nursing License was disciplined by the
27 State of Vermont, Office of the Secretary of State Professional Regulation, Board of Nursing
28 ("Vermont Board"), in the case entitled, *In re: Debra D. Oliver, License No. 026-0033066,*

1 Docket No. NU-04-0706. Effective April 10, 2008, pursuant to the Findings of Fact,
2 Conclusions of Law, and Order, the Vermont Board suspended Respondent's Registered
3 Nurse License No. 026-0033066 indefinitely. A copy of the Order is attached hereto as
4 **Exhibit C** and is incorporated herein.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number RN 410393
9 issued to Debra Oliver, also known as Debra Danette Oliver [aka Clark, Newman] and
10 Debra Danette Clark Oliver;

11 2. Ordering Debra Oliver, also known as Debra Danette Oliver
12 [aka Clark, Newman] and Debra Danette Clark Oliver, to pay the Board the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.
15

16 DATED: 5/22/08

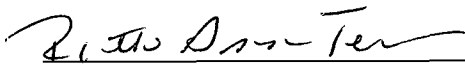
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18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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EXHIBIT A

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ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix, Arizona 85014
602-889-5150

IN THE MATTER OF THE PROFESSIONAL
NURSE LICENSE NO.: RN133700
ISSUED TO:

DEBRA DANETTE OLIVER (AKA CLARK,
NEWMAN)
RESPONDENT

**CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 0608155**

A complaint charging Debra Danette Oliver (AKA Clark, Newman) ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five (5) years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license RN133700.
2. On or about July 21, 2006, the Alabama Board of Nursing suspended Respondent's professional nurse license 1-084480 for substance abuse, falsifying records, and having a urine drug screen positive that was positive for cocaine on or about January 17, 2006 (see attached Exhibit A, incorporated herein by reference).
3. On or about August 15, 2006, the Vermont Board of Nursing summarily suspended

1 Respondent professional nurse license 026-0033066, in response to the action taken by the Alabama
2 Board of Nursing (see attached Exhibit B, incorporated herein by reference).

3
4 4. On or about November 30, 2006, Respondent was notified by First Class mail sent to
5 her address of record in Alabama of the complaint against her Arizona license. Respondent failed to
6 respond to the Board's correspondence.

7
8 5. On or about August 15, 2007, Respondent requested to voluntarily surrender her license.

9 CONCLUSIONS OF LAW

10 Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and
11 personal jurisdiction in this matter.

12 The conduct and circumstances described in the Findings of Fact constitute a violation of
13 A.R.S. § 32-1601(16), (d), (f), and (j), and A.A.C. R4-19-403(B), (8)(a) and (b), (17), (18), (25)(a)
14 and (31).
15

16 The conduct and circumstances described in the Findings of Fact constitute sufficient cause
17 pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against Respondent's
18 license to practice as a professional nurse in the State of Arizona.
19

20 Respondent admits the Board's Findings of Fact, Conclusions of Law.

21 Respondent understands that she has an opportunity to request a hearing and declines to do
22 so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing,
23 appeal, or judicial review relating to this Order.
24

25 Respondent understands that all investigative materials prepared or received by the Board
26 concerning these violations and all notices and pleadings relating thereto may be retained in the
27 Board's file concerning this matter.
28

29 Respondent understands that the admissions in the Findings of Fact are conclusive evidence

1 of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any
2 future disciplinary matter.

3 Respondent understands the right to consult legal counsel prior to entering into the Consent
4 Agreement and such consultation has either been obtained or is waived.
5

6 Respondent understands that this voluntary surrender is effective upon its acceptance by the
7 Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto.
8 Respondent's signature obtained via facsimile shall have the same effect as an original signature.
9 Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director
10 or the Board's approval or by stipulation between the Respondent and the Executive Director or the
11 Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive
12 Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the
13 later date is the effective date.
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16 Respondent understands that Voluntary Surrender constitutes disciplinary action.
17 Respondent also understands that she may not reapply for reinstatement during the period of
18 Voluntary Surrender.
19

20 Respondent agrees that she may apply for reinstatement after the period of voluntary
21 surrender under the following conditions, and must comply with current law at the time of their
22 application for reinstatement:
23

24 The application for reinstatement must be in writing and shall contain therein or have
25 attached thereto substantial evidence that the basis for the voluntary surrender has been removed and
26 that the reinstatement of the license does not constitute a threat to the public's health, safety and
27 welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and
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1 affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the
2 application for reinstatement is considered.

3
4 Debra Danette Oliver
5 Respondent

6
7 Date: 8/27/07

8
9 ARIZONA STATE BOARD OF NURSING

10 SEAL

11 Joey Hidenour
12 Joey Hidenour, R.N., M.N.
13 Executive Director

14 Dated: 9/20/07

15 MUNGER/RN133700

16 **ORDER**

17 Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of
18 professional nurse license number RN133700, issued to Debra Danette Oliver. This Order of
19 Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the
20 effective date of this Consent Agreement. Respondent shall not practice in Arizona under the
21 privilege of a multistate license.
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1 IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license
2 after a period of five (5) years.

3
4 SEAL

ARIZONA STATE BOARD OF NURSING

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6 
7 Joey Ridenour, R.N., M.N.
8 Executive Director

9 Dated: 8/20/07
10

11 JR/SMM:mmm
12

13
14 COPY mailed this 23rd day of August, 2007, by First Class Mail to:

15 Debra Danette Oliver
16 44 B. Cole Street
17 Alexander City, AL 35010

18 By: Esther Garcia
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1 Signed copy mailed this 21st day of September, 2007, by First Class Mail to:

2 Debra Danette Oliver
3 44 B. Cole Street
4 Alexander City, AL 35010

5 By: Esther Garcia
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EXHIBIT B

RECEIVED A.S.B.N.

BEFORE THE ALABAMA BOARD OF NURSING 06 OCT 30 PM 3:49

IN THE MATTER OF:

DEBRA DANETTE CLARK OLIVER

LICENSE NO. 1-084480

CASE NO. 2006-0414

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CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that **DEBRA DANETTE CLARK OLIVER**, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On August 29, 1997, Respondent was licensed by the Alabama Board of Nursing as a Registered Nurse and was so licensed at all times relevant to matters stated herein. Respondent is currently licensed through December 31, 2006.

II.

On January 15, 2006, Respondent, while employed as a Registered Nurse at Bill Nichols State Veterans Home, Alexander City, Alabama, falsified medical records by pre-charting the administration of medication.

III.

On January 17, 2006, Respondent was asked to submit to a urine drug screen because a patient who had been assigned to her had an inaccurate narcotic count. Respondent's urine drug screen was positive for cocaine. Respondent did not provide a prescription for this medication.

CONCLUSIONS OF LAW

The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a Registered Nurse in the State of Alabama pursuant to the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8-.03(4)(a); (6)(a)(b)(e)(f)(i)(ii)(iii)(g)(h)(v)(x).

ORDER

Respondent's Alabama Registered Nurse License, No. 1-084480, is hereby **SUSPENDED** until such time as the Board is in receipt of documentation of: (a) completion of required evaluations in accordance with Stipulation Number 4 below; (b) successful completion of the initial phase of an approved treatment program as specified in Stipulation Number 6 below, if treatment is recommended; (c) participation in an aftercare program as specified in Stipulation Number 7 below, if treatment is recommended; (d) negative random monthly drug screens as specified in Stipulation Number 15 below; (e) active participation in Twelve Step Programs as specified in Stipulation Number 9 below, if recommended; (f) accrual of requisite continuing education contact hours; and, (g) payment of appropriate fees. Should Respondent be deemed in need of treatment and upon documented completion of the above terms, Respondent's license will be reinstated on **PROBATION** for sixty (60) months pursuant to the following terms and conditions. If not deemed to be in need of treatment, Respondent's license will be placed on probation for twelve (12) months pursuant to the terms and conditions in this Order. In no event will this period of suspension extend longer than TWELVE (12) MONTHS past the effective date

of this Order. Should such occur, Respondent's licensure status will be considered as and listed as revoked.

1. **Return of Wallet ID Card**

Respondent's wallet ID card shall be **immediately** returned to the Alabama Board of Nursing office. Upon reinstatement, Respondent will be issued a wallet ID card which indicates probationary status.

2. **Fine**

Respondent shall pay a fine in the amount of **\$750** if treatment is recommended or **\$250** if treatment is not recommended. This fine must be paid within thirty (30) days of the effective date of Respondent's reinstatement. Respondent understands that failure to pay the fine is cause for additional disciplinary action by the Board of Nursing.

Should Respondent's probation extend beyond a period of thirty-six (36) months, Respondent shall pay an additional fine of \$250 prior to termination of this Order.

3. **Education – Completion of Course**
(If not deemed in need of chemical dependency treatment)

Respondent shall satisfactorily complete a Board-approved course/program on chemical dependency and provide documentation of completion to the Board. This course must be satisfactorily completed within three (3) months of the effective date of this Order.

4. **Evaluations (Chemical and Psychological)**

Respondent must submit the results of required comprehensive evaluations for chemical dependency, physical and mental illness from a Board-recognized treatment provider with Board consultation with the evaluating professional prior to making the assessment. Respondent must abide by any requests and recommendations from the providers that may include inpatient evaluation, outpatient evaluation, partial hospitalization evaluation and psychological testing.

Respondent is also required to undergo subsequent evaluations by a recognized provider

with a healthcare professionals tract should such be requested by the Board following a relapse or for other cause. Respondent must follow all treatment recommendations from the provider including inpatient treatment, outpatient treatment, halfway house, residential long-term treatment, counseling, etc.

If not eligible for early release, the Respondent shall return to the original treatment provider(s) or other Board-approved provider for required comprehensive evaluations and a determination of readiness to practice without supervision and/or monitoring. Said evaluations must be performed within the ninety (90) day period immediately prior to the scheduled termination of this Order. Based upon the evaluations, the Board may extend the period of this Order and require additional treatment, counseling, etc.

5. Duration of Order

The duration of this Order is for a period of sixty (60) months unless extended pursuant to Stipulation Number 4 above. Respondent may apply for early release after thirty-six (36) months of satisfactory compliance with all the stipulations of this Order. If Respondent applies for early release, a comprehensive chemical dependency, physical and mental evaluation from a treatment provider with a healthcare professionals tract which supports early release shall be submitted to the Board. Said evaluation must be performed within the ninety (90) day period immediately prior to submission of the application for early release. The duration of this Order is for a period of twelve (12) months if deemed not in need of chemical dependency treatment. These time periods are subject to Stipulation Number 25 below.

6. Treatment Program (If chemical dependency treatment recommended)

The program must be a Board-recognized chemical dependency treatment program. Respondent shall cause the director of the treatment program to submit to the Board proof of Respondent's entry into a primary intensive alcohol/drug treatment program in accordance with the recommendations made during the evaluation process which may include inpatient treatment, outpatient treatment, halfway house, residential long-term treatment and/or a combination thereof.

Respondent shall also cause the program director to provide the Board with documentation concerning Respondent's successful completion of the program, readiness to return to the safe practice of nursing and recommendations and arrangements for appropriate follow-up.

7. **Aftercare Program (If chemical dependency treatment recommended)**

Unless otherwise recommended by the treatment provider and approved by the Board, the Respondent, within one (1) week of the completion of the initial phase of the treatment program, shall enter a Board-acceptable chemical dependency aftercare program with said program to meet on a weekly basis and to extend for a minimum of one (1) year. Respondent shall also cause the program to submit to the Board, in writing, and on the Board-approved form, documentation of the Respondent's attendance, participation and progress in the program. Such reports are due quarterly, according to schedule, for the duration of the probationary period or until successful completion of the aftercare program. In the event the Respondent is discharged from the aftercare program for noncompliance, the Respondent and the program are to immediately notify the Board, in writing, of such occurrence. This is required regardless of whether Respondent is employed in nursing.

8. **Individual/Group Counseling (If recommended by chemical dependency evaluation)**

Respondent shall participate regularly in a Board-acceptable counseling program contingent upon the recommendations of the original treatment program. Respondent shall continue in counseling for as long as deemed necessary by the counselor/therapist. This stipulation is in addition to meeting the stipulation requiring aftercare participation. Respondent shall have the counselor/therapist notify the Board when continued counseling is no longer indicated and Respondent is discharged or when there is a failure to complete or comply with the course of therapy. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in counseling. Such reports are due quarterly, according to schedule, as long as indicated during

the period of this Order. This is required regardless of whether Respondent is employed in nursing.

9. **Twelve Step Meetings (If recommended by chemical dependency evaluation)**

Respondent shall attend and participate in a minimum of three (3) Twelve Step meetings per week for the duration of this Order. The Respondent shall submit meeting attendance verification sheets monthly, according to schedule, on the Board-approved form, for the duration of the Order period. It is required that Respondent have a sponsor during the period of this Order. If there is a sponsor, the Board should be provided sufficient information as how to contact this individual. This is required regardless of whether Respondent is employed in nursing.

10. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing. At the Board's discretion, Respondent may be allowed to make verbal contact with Board staff in lieu of a written report.

11. **Primary Physician – Drug Use Exception**

The Respondent will have only one primary physician/group during the period of this Order. The primary physician must refer to any other physician, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by the Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within ten (10) days of the effective date of this Order and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all

medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

12. **Dentist – Drug Use Exception**

The Respondent will have only one dentist during the period of this Order. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by the Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Order. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

13. **Abstain from Alcohol Use**

Respondent shall abstain completely from the use of any substance containing alcohol.

14. **Abstain from Drug Use**

Respondent shall abstain completely from the non-prescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription (legend) except as provided for in this Order.

15. **Drug Screening**

Respondent shall participate as directed in a Board-acceptable program for random drug testing. The drug screen will be a Board-approved drug screen and may include additional chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at anytime require the Respondent to undergo additional drug screening of a type specified by the Board, including hair tests of a minimum of one time per year, to ensure that the Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Order and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Order. This is required regardless of whether Respondent is employed in nursing.

16. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent but should be on site and readily available to provide assistance and intervention in the event the Respondent appears impaired or otherwise unable to safely practice. The Respondent shall work only

regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. The Respondent shall not be self-employed or contract for services.

17. **Employment-Increased Autonomy**

Following two (2) years of satisfactory compliance with stipulations, Respondent may request to work areas which have limited supervision. If such is granted, said employment will be with specified conditions as set forth by the Board. In no event may Respondent engage in unsupervised practice without prior written authorization from the Board or its designee.

18. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency.

19. **Employment - Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

20. **Employment - Access to Drugs (if treatment recommended)**

Respondent shall not administer or have access to controlled substance medications for a minimum of six (6) months of employment, and shall not have access to or administer controlled substance medications until written permission is received from the Board stating this stipulation no longer applies. Respondent shall work in nursing a minimum of six (6) months without this restriction prior to completing the Order.

21. **Employment - Hours of Practice**

Respondent shall not work more than eighty (80) hours in a two (2) week period without prior written authorization from the Board or its designee.

22. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or

within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

23. Employment - Change in Status

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor.

24. Employment - Evaluation of Performance

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

25. Not Employed in Nursing

In order to complete the terms of this Order, the Respondent must have been employed as a practicing nurse for a minimum period of eighteen (18) months if chemical dependency treatment is recommended. If treatment is not recommended, Respondent must be employed as a practicing nurse for a minimum of twelve (12) months. During periods of employment in fields other than nursing, Respondent is not relieved from compliance with all other terms and conditions of this Order.

26. Alabama Licensure Status

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for disciplinary action.

27. Notification of Board

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on

any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, the Respondent shall immediately report such to the Board.

28. **Change of Address**

Respondent shall immediately notify the Board, in writing, of any change of address.

29. **Relocation**

The Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

30. **Personal Interview**

Respondent shall appear in person for interviews at the request of the Board or Board designee.

31. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

32. Release of Records and Information

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding noncompliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

33. Violation

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

34. Subsequent Practice Act Violation

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

35. Fraudulent Acts During Period of Order

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

36. Termination of Order

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

37. **Public Information**

This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

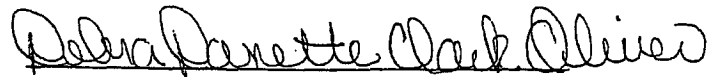
38. **Effective Date**

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

39. **Final Order**

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED on this the 26th day of May 2006


DEBRA DANETTE CLARK OLIVER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 21st
day of July 2006

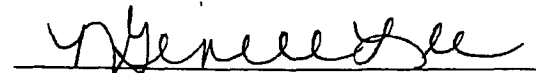

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING

EXHIBIT C

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
STATE BOARD OF NURSING

RECEIVED A.S.B.N.
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IN RE: DEBRA D. OLIVER } DOCKET No. NU04-0706
License No. 026-0033066 }

SUMMARY SUSPENSION ORDER

On August 14, 2006, this matter came before the Vermont State Board of Nursing on the prosecution's Request for Summary Suspension pursuant to 3 V.S.A. § 814(c). The hearing took place at the Heritage Building, 81 River Street in Montpelier, Vermont. The Board has authority to summarily suspend a license pending further proceedings if it determines that public health, safety or welfare imperatively require emergency action.

Findings of Fact & Conclusions of Law:

Based on a review of the evidence presented to the Board at the hearing on this matter, the Board finds:

1. The Respondent, Debra D. Oliver, is licensed by and subject to the disciplinary authority of this Board. 26 V.S.A. Chapter 28, 3 V.S.A. § 129(a), and the Administrative Rules of the Office of Professional Regulation.
2. The Respondent holds temporary license number 026-0033066 issued by the State of Vermont on June 2, 2006 and currently set to expire on September 2, 2006. The Respondent also holds a registered nursing license in the states of Alabama and California.
3. The State filed a "Request for Summary Suspension" dated July 31, 2006, alleging that Alabama Board of Nursing suspended the Respondent's Alabama nursing license, pursuant to a Consent Order, entered on July 21, 2006.
4. The State further alleges that Alabama suspended the Respondent's license due to falsification of records by the Respondent as well as a drug screen by the Respondent that gave a positive result for cocaine.
5. The State argues that public health, safety or welfare imperatively requires emergency action, and the state asks this Board to suspend summarily the Respondent's license prior to a full hearing on the merits.
6. The Board has considered the evidence related to the allegations in the State's Request for Summary Suspension.
7. The Board finds that the State has, in its presentation of evidence, met its burden to the necessary degree of showing the need for emergency action to protect the public health, safety and welfare.

8. The public health, safety, or welfare does imperatively require emergency action.
9. Pursuant to 3 V.S.A. § 814(c), the Board will issue the following temporary order which shall remain in effect until further action by the Board:

ORDER

The Board of Nursing GRANTS the State of Vermont's Request for Summary Suspension.

The Respondent's license is SUMMARILY SUSPENDED pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Vermont Board of Nursing

By: Susan O. Farrell
Susan O. Farrell, RN, Chairperson

Dated at Montpelier: August 14, 2006

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 8/15/06

APPEAL RIGHTS

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Montpelier, Vermont 05609-1101 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING

IN RE:)
DEBRA D. OLIVER) DOCKET No. NU04-0706
License No. 026-0033066)

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Nursing (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Nurses pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 28 and; the rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Nursing is authorized by 3 V.S.A. § 814 to summarily suspend the license of a nurse when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. Debra D. Oliver (the "Respondent") of Jackson Gap, Alabama is a licensed registered nurse holding temporary license number 026-0033066, issued by the State of Vermont. This license was originally issued on or about June 2, 2006 and is currently set to expire on September 2, 2006. The Respondent is also licensed as a registered nurse in the State of Alabama and the State of California.
4. On or about July 21, 2006 the Board received a fax from the Alabama Board of Nursing (the "Alabama Board") indicating that the Respondent's Alabama nursing license was suspended by the Alabama Board pursuant to a Consent Order approved and accepted on July 21, 2006. Attachment A. The Respondent's license was suspended for one instance of falsifying records and because the results of a drug screen taken by the Respondent were positive for cocaine. Attachment A.

Request for Relief

5. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.
6. The above acts and circumstances, alone or in combination, violate:

- i) 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
- ii) 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct,

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

which includes, but is not limited to, failure to conform to the essential standards of acceptable and prevailing practice).

WHEREFORE, the State of Vermont respectfully requests that pursuant to 3 V.S.A. § 814(c), the Respondent's nursing license number 026-0033066 be summarily suspended, pending a hearing on the merits.

DATED at Montpelier, Vermont this 31st day of July, 2006.

STATE OF VERMONT
SECRETARY OF STATE

By:

Janith L. Cutler for
Edward G. Adrian
State Prosecuting Attorney

nu.oliver.sumsusp

STATE OF VERMONT



Prosecuting Attorney
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